

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Shinichi HASEGAWA et al.)	Group Art Unit: 3663
)	
Application No.: 10/822,072)	Examiner: Tuan C. To
)	
Filed: April 8, 2004)	
)	
For: ONBOARD APPARATUS,)	Confirmation No.: 2104
NAVIGATION SYSTEM, AND)	
METHOD FOR SETTING)	
DISPLAY SCREEN)	

Attention: Mail Stop Appeal Brief-Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER BOARD RULE § 41.37

In support of the Notice of Appeal filed April 10, 2009, and further to Board Rule 41.37, Appellants present this brief and enclose herewith the fee of \$540.00 required under 37 C.F.R. § 1.17(c). This Appeal responds to the final rejection of claims 1, 2, and 12-17 in the Final Office Action mailed January 14, 2009, and the Notice of Panel Decision from Pre-Appeal Brief Review mailed May 20, 2009.

This Appeal Brief is being filed concurrently with a petition for an Extension of Time of four months. Thus, this Appeal Brief is being timely filed on or before the extended due date of October 20, 2009, measured from one month after the mailing date of the Notice of Panel Decision from Pre-Appeal Brief Review.

If any additional fees are required or if the enclosed payment is insufficient,
Appellants request that the required fees be charged to Deposit Account 06-0916.

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I. Real Party in Interest

SONY Corporation is the real party in interest.

II. Related Appeals and Interferences

This Appeal Brief is being filed concurrently with an Appeal Brief for continuation application, Application No. 11/212,298 (Attorney Docket No. 09812.0524-01000) of this application, and an Appeal Brief for continuation application, Application No. 11/213,514 (Attorney Docket No. 09812.0524-02), also of this application.

III. Status of Claims

Claims 1, 2, and 12-17 are pending in this application. Claims 3-11 were previously cancelled.

Claims 1, 12, 14, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2003/0097211 to Carroll et al. ("*Carroll*") and U.S. Patent No. 6,636,790 to Lightner et al. ("*Lightner*"); claims 2 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Carroll*, *Lightner*, and U.S. Patent Application Pub. No. 2004/0210363 to Kataghishi ("*Kataghishi*"); and claim 13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Carroll*, *Lightner*, and U.S. Patent Application Pub. No. 2005/0203684 to Borgesson ("*Borgesson*").

Appellants appeal the rejection of claims 1, 2, and 12-17. The attached Appendix contains a clean copy of these claims.

IV. Status of Amendments

No amendments have been filed subsequent to the final rejection of claims 1, 2, and 12-17 in the Final Office Action mailed January 14, 2009.

V. Summary of Claimed Subject Matter

The subject matter set forth in independent claim 1 relates to an onboard apparatus mounted on a vehicle. See, for example, specification at page 3, lines 6 and 7, and Fig. 9, ref. 21. The onboard apparatus may include getting means for automatically getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle. See, for example, specification at page 3, lines 15-17 and 20-23, page 15, line 14, and Fig. 9, refs. 103 and 104. The vehicle model information may be peculiar to the vehicle. See, for example, specification at page 3, lines 7 and 8. The onboard apparatus may include storage means for storing the vehicle model information and design information. See, for example, specification at page 15, lines 11 and 12, and Fig. 3B, ref. 84. The design information may include at least one of a layout of a screen, a shape of operating keys, and a color pattern. See, for example, specification at page 17, lines 13-15. The onboard apparatus may include recognition means for recognizing the vehicle model, based on the vehicle information obtained by the getting means. See, for example, specification at page 3, lines 10 and 11, and Fig. 3B, ref. 81. The onboard apparatus may include design setting means for setting the design information. See, for example, specification at page 13, lines 3-5, and Fig. 4, ref. 93. The setting of the design information may be at least partially based on the vehicle model information. See, for example, specification at page 13, lines 5 and 6. The onboard apparatus may include display means for displaying the design information set by the design setting means. See, for example, specification at page 3, lines 11-14, and Fig. 2, ref. 51.

The subject matter set forth in independent claim 14 relates to an onboard apparatus mounted on a vehicle. *See*, for example, specification at page 3, lines 6 and 7, and Fig. 9, ref. 21. The onboard apparatus may include getting means for automatically getting vehicle model information from the vehicle by determining a formed position of a connector used to attach the onboard apparatus to the vehicle. *See*, for example, specification at page 3, lines 15-17 and 20-23, page 15, line 14, and Fig. 9, refs. 103 and 104. The vehicle model information may be peculiar to the vehicle. *See*, for example, specification at page 3, lines 7 and 8. The onboard apparatus may include storage means for storing the vehicle model information and design information. *See*, for example, specification at page 15, lines 11 and 12, and Fig. 3B, ref. 84. The design information may include at least one of a layout of a screen, a shape of operating keys, and a color pattern. *See*, for example, specification at page 17, lines 13-15. The onboard apparatus may include recognition means for recognizing the vehicle model, based on the vehicle information obtained by the getting means. *See*, for example, specification at page 3, lines 10 and 11, and Fig. 3B, ref. 81. The onboard apparatus may include design setting means for setting the design information. *See*, for example, specification at page 13, lines 3-5, and Fig. 4, ref. 93. The setting of the design information may be at least partially based on the vehicle model information. *See*, for example, specification at page 13, lines 5 and 6. The onboard apparatus may include display means for displaying the design information set by the design setting means. *See*, for example, specification at page 3, lines 11-14, and Fig. 2, ref. 51.

VI. Grounds of Rejection

A. Claims 1 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2003/0097211 to Carroll et al. ("*Carroll*") and U.S. Patent No. 6,636,790 to Lightner et al. ("*Lightner*").

B. Claims 14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Carroll* and *Lightner*.

C. Claims 2 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Carroll*, *Lightner*, and U.S. Patent Application Pub. No. 2004/0210363 to Kataghishi ("*Kataghishi*").

D. Claims 13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Carroll*, *Lightner*, and U.S. Patent Application Pub. No. 2005/0203684 to Borgesson ("*Borgesson*").

VII. Argument

A. The Board Should Reverse the Rejection of Claims 1 and 12 Under 35 U.S.C. §103(a) as Being Unpatentable over *Carroll* and *Lightner*

The Examiner's rejection of claims 1 and 12 under 35 U.S.C. §103(a) as being unpatentable over *Carroll* and *Lightner* should be reversed. A *prima facie* case of obviousness has not been established.

Independent claim 1 recites an apparatus including, for example, "getting means for automatically getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle." Combination of *Carroll* and *Lightner* fail to disclose or suggest at least the claimed getting means of claim 1.

The Examiner concedes that *Carroll* does not disclose, "getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle," as recited in claim 1 (Final Office Action at page 4) (emphasis added). Contrary to the Final Office Action's assertions, *Lightner* fails to cure the deficiencies of *Carroll*.

Lightner discloses, "a data collector/router 35 in electrical contact with a vehicle's OBD/ECU system 100. The two systems connect through a conventional OBD-II connector 120 typically located under the vehicle's dashboard . . . [in which] connector 120 has a serial, 16 cavity-layout . . . [and] the OBD-II connector 120 has a standard mechanical interface, data transmitted through it may have a format and pass through cavities that depend on the vehicle's make and model. For example, Ford and General Motors vehicles use an OBD data format called 11850; data in this format pass through cavities 2 and 10" of connector 120 (emphasis added) (col. 6, line 53 - col. 7, line 3).

Thus, *Lightner* discloses that a data format of data depends on a vehicle's model. This is in contrast to the claimed feature of "getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle" (emphasis added), as recited in claim 1.

Accordingly, *Carroll* and *Lightner* fail to render the subject matter of claim 1 obvious. Claim 12 depends from independent claim 1, and is thus allowable for at least the same reasons as claim 1.

B. The Board Should Reverse the Rejection of Claims 14 and 16 Under 35 U.S.C. §103(a) as Being Unpatentable over *Carroll* and *Lightner*

The Examiner's rejection of claims 14 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Carroll* and *Lightner* should be reversed. A *prima facie* case of obviousness has not been established.

Independent claim 14 recites an apparatus including, for example, "getting means for automatically getting vehicle model information from the vehicle by determining a formed position of a connector used to attach the onboard apparatus to the vehicle." Combination of *Carroll* and *Lightner* fail to disclose or suggest at least the claimed getting means of claim 14.

The Examiner concedes that *Carroll* does not disclose, "getting vehicle model information from the vehicle by determining a formed position of a connector used to attach the onboard apparatus to the vehicle," as recited in claim 14 (Final Office Action at page 4) (emphasis added). Contrary to the Final Office Action's assertions, *Lightner* fails to cure the deficiencies of *Carroll*. *Lightner* also does not disclose or suggest, "getting vehicle model information from the vehicle by determining a formed position of

a connector used to attach the onboard apparatus to the vehicle" (emphasis added), as recited in claim 14.

The Examiner seems to allege that *Lightner* discloses that the "shape of the connector (120) is defined by its format, and the vehicle's model information is obtained based on this format" (Final Office Action at page 9). This is not correct. As set forth above, *Lightner* discloses that "connector 120 has a **standard** mechanical interface (shape), [while] data transmitted through it may have a format and pass through cavities that depend on the vehicle's make and model" (emphasis added). Thus, *Lightner* does not teach or suggest connectors with different formats, but rather a connector with a standard interface and different data formats that pass through different cavities of the connector. Furthermore, *Lightner* merely discloses that the data format depends on a vehicle's make and model. *Lightner* also does not teach or suggest obtaining a vehicle's model information based on the data format. In fact, *Lightner* discloses that different vehicles models use the same data format (col. 7, lines 1-5).

The Examiner also seems to allege that *Lightner* discloses that the "data collector/router (35) having a processor (104) for automatically getting vehicle model information from the vehicle's OBD's system by determining a formed position of the connector (120) . . . , where in the formed position of the connector is the position of each cavities defined by a number from the 16-cavity layout. For instance, the numbers 2 and 10 for the format J1850" (Final Office Action at page 9). This is also not correct. As set forth above, *Lightner* merely discloses different data formats that pass through different cavities of the connector. *Lightner* also does not teach or suggest

anything related to “determining a formed position of a connector” (emphasis added), as recited in claim 14.

Accordingly, *Carroll* and *Lightner* fail to render the subject matter of claim 14 obvious. Claim 16 depends from independent claim 14, and is thus allowable for at least the same reasons as claim 14.

C. The Board Should Reverse the Rejection of Claims 2 and 15 Under 35 U.S.C. §103(a) as Being Unpatentable over *Carroll*, *Lightner*, and *Kataghishi*

The Examiner’s rejection of claims 2 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Carroll*, *Lightner*, and *Kataghishi* should be reversed. A *prima facie* case of obviousness has not been established.

Claims 2 and 15 depend from independent claims 1 and 14, respectively, and are thus allowable over *Carroll* and *Lightner* for at least the same reasons as the independent claims. *Kataghishi* fails to cure the deficiencies of *Carroll* and *Lightner*. *Kataghishi* discloses a “[v]ehicle control system” (Abstract). *Kataghishi* fails to disclose the getting means recited in either claim 1 or claim 14.

Accordingly, *Carroll*, *Lightner*, and *Kataghishi* fail to render the subject matter of claims 2 and 15 obvious.

D. The Board Should Reverse the Rejection of Claims 13 and 17 Under 35 U.S.C. §103(a) as Being Unpatentable over Carroll, Lightner, and Borgesson

The Examiner's rejection of claims 13 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Carroll, Lightner, and Borgesson* should be reversed. A *prima facie* case of obviousness has not been established.

Claims 13 and 17 depend from independent claims 1 and 14, respectively, and are thus allowable over *Carroll* and *Lightner* for at least the same reasons as the independent claims. *Borgesson* fails to cure the deficiencies of *Carroll* and *Lightner*. *Borgesson* discloses "a system for performing procedures to request repair" (Abstract). *Borgesson* fails to disclose the getting means recited in either claim 1 or claim 14.

Accordingly, *Carroll, Lightner, and Borgesson* fail to render the subject matter of claims 13 and 17 obvious.

E. Conclusion

For the reasons given above, pending claims 1, 2, and 12-17 are allowable and reversal of the Examiner's rejections is respectfully requested.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: October 16, 2009

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VIII. Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)

1. An onboard apparatus mounted on a vehicle, comprising:

getting means for automatically getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle, the vehicle model information being peculiar to the vehicle;

storage means for storing the vehicle model information and design information, the design information comprising at least one of a layout of a screen, a shape of operating keys, and a color pattern;

recognition means for recognizing the vehicle model, based on the vehicle information obtained by the getting means;

design setting means for setting the design information, the setting of the design information being at least partially based on the vehicle model information; and

display means for displaying the design information set by the design setting means.

2. The onboard apparatus according to claim 1, wherein said vehicle model information comprises at least one of a manufacturer of the vehicle, a country that manufactured the vehicle, a using country of the vehicle, and a manufacturing number of the vehicle.

3-11. (Canceled)

12. The onboard apparatus according to claim 1, wherein the storage means stores function setting information.

13. The onboard apparatus according to claim 12, wherein the function setting information comprises at least one of a navigation function, a mileage measuring function, and a night-vision function.

14. An onboard apparatus mounted on a vehicle, comprising:
getting means for automatically getting vehicle model information from the vehicle by determining a formed position of a connector used to attach the onboard apparatus to the vehicle, the vehicle model information being peculiar to the vehicle;
storage means for storing the vehicle model information and design information, the design information comprising at least one of a layout of a screen, a shape of operating keys, and a color pattern;
recognition means for recognizing the vehicle model, based on the vehicle information obtained by the getting means;
design setting means for setting the design information, the setting of the design information being at least partially based on the vehicle model information; and
display means for displaying the design information set by the design setting means.

15. The onboard apparatus according to claim 14, wherein said vehicle model information comprises at least one of a manufacturer of the vehicle, a country that manufactured the vehicle, a using country of the vehicle, and a manufacturing number of the vehicle.

16. The onboard apparatus according to claim 14, wherein the storage means stores function setting information.

17. The onboard apparatus according to claim 16, wherein the function setting information comprises at least one of a navigation function, a mileage measuring function, and a night-vision function.

IX. Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)

None.

X. Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)

None.